

1  
2  
3  
4  
5

6 IN THE UNITED STATES DISTRICT COURT

7  
8  
9

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11  
12

BARRY SCHWARTZ and CHRISTY  
SCHWARTZ,

Plaintiffs,

No. C 14-05143 WHA

13

v.

14 DEPUY ORTHOPAEDICS, INC, et al.,  
15 Defendants.

**ORDER GRANTING  
TEMPORARY STAY**

16  
17  
18  
19  
20

More than a year ago, in August 2013, plaintiffs commenced this action in San Francisco Superior Court. In essence, plaintiff Barry Schwartz alleged that he suffered various injuries as a result of being implanted with the “Pinnacle Acetabular Cup System,” marketed and sold by defendant DePuy Orthopaedics, Inc. Some of the defendants were served in October 2014.

21  
22  
23  
24  
25  
26  
27

In November 2014, defendants removed this action to federal court. Defendants stated that this is “one of more than 7,000 similar cases pending around the country involving personal-injury allegations by plaintiffs who were implanted with the Pinnacle Cup System.” In May 2011, a multi-district litigation was established in the Northern District of Texas before Judge Ed Kinkeade. *In re: De Puy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation*, MDL No. 2244. A prior order herein set an initial case management conference for February 19, 2015 (Dkt. No. 5).

28

Now, plaintiffs and some (but not all) of the defendants move to “stay all proceedings . . . pending its likely transfer to MDL 2244.” The remaining defendants have not appeared herein.

1 In a footnote, the appearing defendants state that they “expressly preserve all of their defenses,  
2 including lack of personal jurisdiction” (Dkt. No. 6).

3 This order hereby **GRANTS A BRIEF STAY UNTIL FEBRUARY 9, 2015 AT NOON**. For now,  
4 the February 19 initial case management conference and February 12 case management  
5 statement deadlines remain in place. Defendants’ response to the complaint is due **FEBRUARY**  
6 **11, 2015 AT NOON**.

7  
8 **IT IS SO ORDERED.**

9  
10 Dated: November 26, 2014.

  
11 WILLIAM ALSUP  
12 UNITED STATES DISTRICT JUDGE